

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES of AMERICA
ex rel. ELIZABETH H. HUDSON and,
DANIEL MONTES, JR.

Plaintiff-Relators,

v.

MAIN BUILDING MAINTENANCE,
INC.; JXM, INC.; ROBERT A. XIMENES;
ELVIRA H. XIMENES; and MARGAUX
I. XIMENES,

Defendants

Civil Action No.:
5-16-CV-00523-JKP-RBF

**RELATORS' UNOPPOSED MOTION FOR AMENDMENT OF THIS COURT'S
AMENDED SCHEDULING ORDER FOR EXTENSIONS OF EXPERT AND
DISCOVERY DEADLINES**

Relators Daniel Montes, Jr. and Elizabeth H. Hudson (together, "Relators") request that this Court grant extensions of 90 days to the expert disclosure deadlines and a 60-day extension of the discovery deadline set forth in this Court's Amended Scheduling Order of March 9, 2021. Defendants do not oppose the requested extensions. In support, Relators have filed a proposed order, and further state:

1. Following motion practice with respect to motions for judgment on the pleadings, this Court ordered on February 22, 2021 (ECF #89) that the parties should confer and submit joint scheduling recommendations, which they did on March 1, 2021 (ECF #90). In the parties' joint submission, they noted that "Requests for extension of these deadlines is reasonably likely, and will likely depend on the nature and timing of

the government's response to...*Touhy* requests." The parties stated that, conscious of this Court's previous comments regarding scheduling, the proposed deadlines represented "the minimum amount of time in which discovery can be expected to be completed." The joint scheduling recommendations proposed expert designation deadlines of October 4, 2021 (Relators) and November 4, 2021 (Defendants), and a discovery deadline of January 6, 2022.

2. On March 9, 2021, following a hearing, this Court entered an Amended Scheduling Order (ECF #92) setting the expert disclosure and discovery deadlines proposed by the parties.

3. In August, the parties conferred and agreed in principle to request extensions of the expert and discovery deadlines, due in part to the timing of anticipated discovery from the United States. Cognizant of this Court's preferences regarding the tailoring of extensions, however, Relators wished to have a better understanding of when discovery from the United States was likely to be completed before filing a motion to extend deadlines.

4. It is Relators' current understanding that depositions of United States officials are expected to be completed by late November 2021. Accordingly, Relators request 90-day extensions of the expert designation deadlines from October 4, 2021 to January 4, 2022 (for Relators' designations) and from November 4, 2021 to February 4, 2022, and an extension of the discovery deadline of 60 days from January 6, 2022 to March 7, 2022.

5. Should Relators' requested relief be granted, they request also that deadlines currently set in the Amended Scheduling Order for after the discovery deadline be likewise extended 60 days to accommodate that extension, such that the January 20, 2022 deadlines for a joint report on settlement negotiations and for *Daubert* motions and the February 22, 2022 deadline for dispositive motions be extended to March 21, 2022 and April 21, 2022, respectively.

6. Counsel for Defendants has indicated that they have no opposition to the relief requested.

WHEREFORE, for the reasons set forth above, Relators request this Court amend the Amended Scheduling Order to provide 90-day extensions of the expert designation deadlines and 60-day extensions of the deadline for discovery and subsequent deadlines.

Dated: October 4, 2021

/s/ Michael Tabb

Thomas M. Greene
Mass. BBO# 210020*
tgreene@greenellp.com
Michael Tabb
Mass. BBO# 491310*
matabb@greenellp.com
Ryan P. Morrison
Mass. BBO# 680238*
rmorrison@greenellp.com
Tucker D. Greene
Mass. BBO# 682943*
tucker.greene@greenellp.com

GREENELL

One Liberty Square, Suite 1200
Boston, MA 02109
(617) 261-0040 (Telephone)
(617) 507-6559 (Facsimile)

**admitted pro hac vice*

Charles S. Siegel
Texas State Bar No. 18341875
siegel@waterskraus.com
Caitlyn E. Silhan
Texas State Bar No. 24072879
csilhan@waterskraus.com
Waters & Kraus, LLP
3219 McKinney Avenue
Dallas, TX 75204
(214) 357-6244 (Telephone)
(214) 871-2263 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that, on October 4, 2021, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system and all counsel of record will receive an electronic copy via the Court's CM/ECF system.

Dated: October 4, 2021

/s/ Michael Tabb
Michael Tabb